

PPC 9551.1991(10)

CERTIFICATION/NOTIFICATION FOR MULTIPLE-CONSTITUENT WASTES
SUBJECT TO LDRS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUN 5 1991

Mr. Allen P. Lusby
Safety/Environmental Director
EFCO Corporation
County Road & Bridle Lane
Monett, Missouri 65708

Dear Mr. Lusby:

We have received your letter of May 16, 1991, concerning certification/ notification for multiple-constituent wastes subject to the land disposal restrictions.

As you stated in your letter, EFCO Corporation generates F019 sludge waste and thus must make a determination if the waste is restricted from land disposal under 40 CFR 268. F019 waste is listed in 40 CFR Part 261, Subpart D. Pursuant to 40 CFR 267.7(a), based on knowledge and testing of the extract, the waste is determined to be restricted from land disposal under Part 268.

Under 40 CFR 268.7(a)(1), if the waste does not meet the applicable treatment standards or exceeds applicable prohibition levels, EFCO is required to notify, in writing, the treatment, storage, or disposal facility (TSD) what the appropriate treatment standards and applicable prohibition levels, as set forth in Subpart D, are.

EFCO makes notification to the TSD that it is managing a restricted waste under 40 CFR 268 and that the waste does not meet the applicable treatment standards for Chromium (total), EPA Waste Code D007 (268.41, Table CCWE).

According to 40 CFR 268.41, Table CCWE, and 40 CFR 268.43, Table CCW, F019 waste (nonwastewater) contains three regulated hazardous constituents. EFCO's F019 waste does not meet the applicable treatment standards for the Chromium (total) waste constituents, but it does meet the applicable treatment standards for the Cyanides (total) waste constituent.

The Agency's position on the question of multiple-constituent waste in which some constituents meet the treatment standards and others do not is that the waste--not individual constituents--must be certified to meet the standards. The phraseology is specific regarding "waste" in 268.7(a)(1) and (a)(2)(ii). Thus, in your case, even though the Cyanides (total) component meets the standard, you must notify the TSD that your waste as a whole does not meet the standard because of the Chromium (total) component. The TSD should, therefore, be told to treat all constituents of the waste to the treatment standards.

Should you need additional information, you may contact Pat Fox at (703) 308-8458.

Sincerely,

Sylvia K. Lowrance
Director
Office of Solid Waste